

REMARKS

Claims 1-10 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 1, 2, and 5-8 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Luken et al. (U.S. Pat. No. 6,534,210). This rejection is respectfully traversed.

As best understood by Applicant, Luken discloses a fuel cell system that utilizes an auxiliary fuel cell stack 30 to provide an electrical output to drive a compressor 64 to provide compressed oxidant to the primary fuel cell stack. See Column 7, Lines 30-55. In one version, Luken discloses a controller 90, which monitors and ramps up oxidant and fuel delivery to the primary fuel cell stack 10 until a predetermined electrical output of the primary fuel cell stack 10 is reached. See Column 7, Lines 56-67. In another version, when the predetermined electrical power level is reached, the primary fuel cell stack 10 begins to drive the compressor 64. See Column 8, Lines 1-11.

In Claim 1, Applicant claims, in part, “gradually increasing the *electrical load* to the fuel stack over time while *using the increased electrical load* to drive the compressor that supplies oxygen to the cathode inlet” (emphasis added).

Applicant respectfully submits that Luken does not disclose the invention as recited in Claim 1. The Office Action incorrectly asserts that Luken discloses monitoring the electrical output of the primary fuel cell and controlling the electrical

load based on the electrical output. Luken, however, teaches that the *fuel delivery level* to the primary fuel cell is monitored and controlled to reach the required electrical power needed to drive the system. In addition, Luken relies on providing *auxiliary* electrical power to the compressor from the auxiliary fuel cell stack 30 until the primary fuel cell stack 10 reaches a predetermined electrical output, rather than using the *primary fuel cell stack* to power the compressor from start-up and gradually increasing the load.

For at least the above reasons, Applicant respectfully submits that Claim 1 should be in condition for allowance. Claims 2 and 5-8 depend from Claim 1 and should be in condition for allowance for at least the same reasons.

REJECTION UNDER 35 U.S.C. § 103

Claims 3, 4, 9, and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Luken, as applied to Claims 1, 2, and 5-8. This rejection is respectfully traversed.

Applicant respectfully submits that the argument above with respect to Claim 1 renders the objection of Claims 3, 4, 9, and 10 moot. Claims 3, 4, 9, and 10 depend from Claim 1 and should be in condition for allowance for at least the same reasons.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full

and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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